

Please return this card, indicating receipt date and Serial No., if applicable, of the following

Petition Pursuant to 37 cFR 1.181(a) (3) and Exhibits

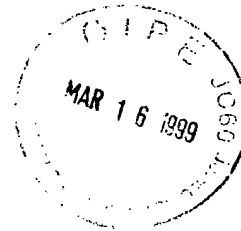
Applicant(s): Daniel Anthony Gately

Title: Silylated and N-Silylated Compound Synthesis

Serial No.: 09/016,641

Filing Date: 1/30/98

vgc



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--------------------------------|------------------------|
| In re Application of | : |
| DANIEL ANTHONY GATELY | : Art Unit 1621 |
| Filed: January 30, 1998 | : |
| Serial No.: 09/016,641 | : Examiner: J. Vollano |
| FOR: SILYLATED AND N-SILYLATED | : |
| COMPOUND SYNTHESIS | : |

PETITION PURSUANT TO 37 C.F.R. §1.181(a)(3)

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231
Sir:

Pursuant to 37 C.F.R. §1.181(a)(3), the supervisory authority of the Commissioner is requested to correct the filing receipt in the subject application which reflects an incorrect filing date. The correct filing date is January 30, 1998--NOT January 3, 1999.

Repeated written and verbal requests have been made to have the filing date corrected. This incorrect filing date has now impacted the filing of the PCT continuation of the subject application, i.e., PCT/US99/02007, in that the United States Receiving Office has refused to grant a priority date of 30 January 1998 in connection with said PCT application.

FACTS AND EXHIBITS

The facts are as follows:

(1) The application was received at the OIPE on January 30, 1998 (see enclosed Exhibit A).

(2) The Patent Office assigned Serial No. 09/016,641 with a filing date of January 30, 1998 as noted on the post-card received from the Patent Office (see Exhibit B).

(3) A first filing receipt incorrectly listed a filing date of January 3, 1998 (see Exhibit C).

(4) A Request to Correct Filing Receipt was filed on May 20, 1998 (see Exhibit D).

(5) A second filing receipt was received, again listing an incorrect filing date (see Exhibit E).

(6) After telephone communications with her, a telecopy was sent to Examiner Vollano on January 12, 1999 requesting her assistance (see Exhibit F), together with copies of relevant documents.

(6) In response to the telecopy of January 12, 1999, a voice mail message was received from Examiner Vollano at 7:48 a.m. on February 2, 1999 (see Exhibit G).

(7) By communication mailed 01 March 1999, the Receiving Office has invited applicant to correct the priority claim in PCT/US99/02007 (see Exhibit H).

RELIEF REQUESTED

The Commissioner is requested immediately to exercise his supervisory authority to:

(1) Correct the filing date to January 30, 1998.

(2) Issue a corrected filing receipt.

(3) Take all steps necessary to insure that the record of this application is corrected so that applicant can use the priority date of January 30, 1998 in the filing of continuations, continuations-in-part, divisions, etc.



Edward S. Irons
Registration No. 16,541
700 Thirteenth Street, N.W.
Suite 950
Washington, D.C. 20005
Phone: (202) 626-4480
Fax: (202) 626-4462

Dated: March 16, 1999

Please return this card, indicating receipt date and Serial No., if applicable, of the following
Pat Appl, Trans Let, Check#4016 for
\$1306

Applicant(s): Daniel Anthony Gately
Title: Silylated and N-Silylated Compound
Synthesis
Serial No.: To be assigned
Filing Date: 1/30/98

vgc



Please return this card, indicating receipt date and Serial No., if applicable, of the following
Pat Appl, Trans Let, Check#4016 for
\$1306

Applicant(s): Daniel Anthony Gately
Title: Silylated and N-Silylated Compound
Synthesis
Serial No.: To be assigned
Filing Date: 1/30/98

JC530 U.S. PTO
09/016641
1/30/98

vgc

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTORNEY DOCKET NO. | DRWGS | TOT CL | IND CL |
|--------------------|-------------|--------------|---------------|---------------------|-------|--------|--------|
| 09/016,641 | 01/03/98 | 1612 | \$718.00 | | 0 | 19 | 6 |

EDWARD S IRONS
SUITE 950
700 13TH STREET N W
WASHINGTON DC 20005

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

DANIEL ANTHONY GATELY.

FOREIGN FILING LICENSE GRANTED 04/29/98

TITLE

SILYLATED AND N-SILYLATED COMPOUND SYNTHESSES

PRELIMINARY CLASS: 549

Please return this card, indicating receipt date and Serial No., if applicable, of the following

**Response to Notice to File Missing Parts and
Request to Correct Filing Receipt with Exs. A-G**

Applicant(s): Daniel Anthony Gately

Title: Silylated and N-Silylated Compound...

Serial No.: 09/016,641

Filing Date: 1/30/98

vgc



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
DANIEL ANTHONY GATELY : Group Art Unit 1612
Filed: January 30, 1998 :
Serial No. 09/016,641 :
FOR: Silylated and N-silylated :
Compound Synthesis :

RESPONSE TO NOTICE TO FILE MISSING PARTS
AND
REQUEST TO CORRECT FILING RECEIPT

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Box: Missing Parts

Sir:

Response to Notice

A "Notice to File Missing Parts of Application" was mailed April 29, 1998 in the subject application. Response is made as follows:

1. The Declaration for Patent Application was filed on March 6, 1998 (see enclosed Exhibit A - copy of postcard bearing said date).
2. See Exhibit B - executed Declaration for Patent Application.
3. See Exhibit C - Assignment and Cover Sheet.

4. See Exhibit D - Small Entity Declaration (a refund was made to the Deposit Account in connection with the filing of this small entity declaration).

5. See Exhibit E - Form PTO-1533.

Request to Correct

The "Filing Receipt" (see Exhibit F) is defective in two respects:

1. The filing date is incorrectly listed as January 3, 1998. The correct filing date is January 30, 1998. See Exhibit G (post card stamped by OIPE when application was filed and post card received with bar coded serial number and filing date thereon).

2. There is no indication that this application is a "small entity".

Accordingly, correction of the filing receipt is requested.



Edward S. Irons

Registration No. 16,541
Suite 950
700 Thirteenth Street, N.W.
Washington, D. C. 20005
(202) 626-4480 - Phone
(202) 626-4462 - Fax

Dated: May 20, 1998

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTORNEY DOCKET NO. | DRWGS | TOT CL | IND CL |
|--------------------|-------------|--------------|---------------|---------------------|-------|--------|--------|
| 09/016,641 | 01/03/98 | 1612 | \$848.00 | | 0 | 19 | 6 |

EDWARD S. IRONS
SUITE 950
700 13TH STREET N.W.
WASHINGTON DC 20005

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

DANIEL ANTHONY GATELY, KEENESBURG, CO.

FOREIGN FILING LICENSE GRANTED 04/29/98

TITLE

SILYLATED AND N-SILYLATED COMPOUND SYNTHESSES

PRELIMINARY CLASSIFICATION: 1612.01

Exhibit E

LAW OFFICES OF
EDWARD S. IRONS

A PROFESSIONAL CORPORATION
700 - 13TH STREET, N.W.
SUITE 950
WASHINGTON, D.C. 20005

TELEPHONE:
(202) 626-4480

TELEFAX:
(202) 626-4462
E-MAIL:
TINGENT@AOL.COM

TELECOPY COVER SHEET

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION WHICH IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE.

DATE: January 12, 1999 TIME: 4:55 p.m.

PLEASE DELIVER THE FOLLOWING FAX:

TO: Ms. J. Vollano
Art Unit 1621
703/308-7922

FROM: Vickie G. Cummings

TOTAL NUMBER OF PAGES: 14 INCLUDING COVER SHEET.

Enclosed are copies of mail room post-card receipt dated May 20, 1998 and copies of the documents filed on May 20, 1998 attempting to correct the filing date to January 30, 1998.

Thank you for any assistance you can render.

Please call if you have questions.

Exhibit F

HP OfficeJet
Personal Printer/Fax/Copier

Fax Log Report for
Edward S Irons PC
202 6264462
Jan-12-99 05:03 PM

| <u>Identification</u> | <u>Result</u> | <u>Pages</u> | <u>Type</u> | <u>Date</u> | <u>Time</u> | <u>Duration</u> | <u>Diagnostic</u> |
|-----------------------|---------------|--------------|-------------|-------------|-------------|-----------------|-------------------|
| 97033087922 | OK | 14 | Sent | Jan-12 | 04:56P | 00:06:45 | 002582030022 |

2/2/99 - 7:48 a.m.

Examiner Vollano called re: 016,641 and said:

"I just went upstairs again today which is February 2nd to see if the case was upstairs so that I could put this change of date paper in it. Still not upstairs. I have been looking for it for over two weeks since before 13th of January. I am going to give this paper to head docket clerk manager - Rosa Thomas - so I will get her to put the case out for an official search since seems to have disappeared. Rosa Thomas' phone number is 703/308-4091. I'm terribly sorry couldn't find it. Keep going up there and it is not there. Will give her your fax with a note to put out an official search. If you have any further questions, call me at 703/305-4483."

vgc

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

PCT

INVITATION TO CORRECT PRIORITY CLAIM

(PCT Rules 4.10, 26bis.1, 26bis.2(a) and (b))

| | |
|---|--|
| To: EDWARD S. IRONS SUITE 950 700 - 13TH STREET, N.W. WASHINGTON, DC 20005 | Date of mailing <i>(day/month/year)</i> <div style="text-align: right;">01 MAR 99</div> |
| Applicant's or agent's file reference <div style="text-align: center;">GATELY016641</div> | REPLY DUE <div style="text-align: right;">See item 1</div> |
| International application No. <div style="text-align: center;">PCT/US99/02007</div> | International filing date <i>(day/month/year)</i> <div style="text-align: right;">29 JAN 99</div> |
| Applicant BOULDER SCIENTIFIC COMPANY | |

The applicant is hereby invited, within the time limit indicated below, to correct, by a notice submitted to this receiving Office, defects in the priority claim(s), as indicated in the Annex.

1. Time limit to respond to this Invitation (Rule 26bis.1(a)):

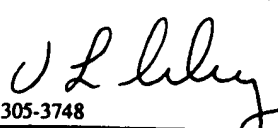
- within 16 months from the (earliest) priority date; or
- if the (earliest) priority date is changed as a result of the correction or addition of the (earliest) priority claim, within 16 months from that (earliest) priority date so changed.

whichever expires first, provided that such a notice may, in any event, be submitted until the expiration of four months from the international filing date.

Failure to respond to this invitation within the prescribed time limit may result in the priority claim concerned to be considered, for the purposes of the procedure under PCT, not to have been made (Rule 26bis.2(b)).

2. In the case where multiple priorities have been claimed, this invitation relates to the following priority claim(s):

3. A copy of this invitation is being sent to the International Bureau.

| | |
|---|--|
| Name and mailing address of the receiving Office Assistant Commissioner for Patent Box PCT Washington, D.C. 20231 Attn: RO/US Facsimile No. 703-305-3230 | Authorized officer Virginia L. Irby <div style="text-align: center; margin-top: 10px;">  </div> Telephone No. 703-305-3748 |
|---|--|

Form PCT/RO/110 (July 1998)

This receiving Office has found the following defects in the priority claim(s)

1. ☐ Failure to Comply with the Requirements of Rule 4.10

a. ☐ National application

- ☐ Missing indication of the filing date of the earlier application.
- ☐ Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.
- ☐ Missing indication of the number of the earlier application.*
- ☐ Missing indication of the country party to the Paris Convention for the Protection of Industrial Property in which the earlier national application was filed.
- ☐ The country indicated is not party to the Paris Convention for the Protection of Industrial Property.

b. ☐ Regional application

- ☐ Missing indication of the filing date of the earlier application.
- ☐ Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.
- ☐ Missing indication of the number of the earlier application.*
- ☐ Missing indication of the authority entrusted with the granting of regional patents under the applicable regional patent treaty.
- ☐ The authority indicated as the authority entrusted with the granting of regional patents does not grant regional patents.
- ☐ The priority claim in relation to the ARIPO application does not indicate at least one country party to the Paris Convention for the Protection of Industrial Property for which the earlier application was filed.

c. ☐ International application

- ☐ Missing indication of the filing date of the earlier application.
- ☐ Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.
- ☐ Missing indication of the number of the earlier application.*
- ☐ Missing indication of the receiving Office with which it was filed.

2. ☒ Inconsistency with the Corresponding Indications in the Priority Document*

a. ☒ Inconsistency with regard to the filing date of the earlier application:

The request indicates: 30 January 1998

~~The priority document indicates:~~ office records 03 January 1998

b. ☐ Inconsistency with regard to the number of the earlier application:

The request indicates:

The priority document indicates:

c. ☐ Inconsistency with regard to the country party to the Paris Convention for the Protection of Industrial Property in which the national application was filed:

The request indicates:

The priority document indicates:

d. ☐ Inconsistency with regard to the authority entrusted with the granting of regional patents under the applicable regional patent treaty:

The request indicates:

The priority document indicates:

e. ☐ Inconsistency with regard to the receiving Office with which the international application was filed:

The request indicates:

The priority document indicates:

* Even if this defect is not corrected in response to this invitation, the priority claim concerned will not be considered not to have been made (Rule 26bis.2(b)).

2/2/99 - 7:48 a.m.

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"I just went upstairs again today which is February 2nd to see if the case was upstairs so that I could put this change of date paper in it. Still not upstairs. I have been looking for it for over two weeks since before 13th of January. I am going to give this paper to head docket clerk manager - Rosa Thomas - so I will get her to put the case out for an official search since seems to have disappeared. Rosa Thomas' phone number is 703/308-4091. I'm terribly sorry couldn't find it. Keep going up there and it is not there. Will give her your fax with a note to put out an official search. If you have any further questions, call me at 703/305-4483."

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Fax Log Report for
Edward S Irons PC
202 6264462
Jan-12-99 05:03 PM

| <u>Identification</u> | <u>Result</u> | <u>Pages</u> | <u>Type</u> | <u>Date</u> | <u>Time</u> | <u>Duration</u> | <u>Diagnostic</u> |
|-----------------------|---------------|--------------|-------------|-------------|-------------|-----------------|-------------------|
| 97033087922 | OK | 14 | Sent | Jan-12 | 04:56P | 00:06:45 | 002582030022 |

1.2.0 2.8